

FOR INFORMATION
DA-2005-24
August 3, 2005

SUBJECT: *Phytophthora ramorum* (sudden oak death, ramorum blight & die back): Revision of Associated Regulated Articles (nursery stock); Additions to APHIS List of Hosts and Plants Associated with *Phytophthora ramorum*; Interim Application of Emergency Federal Order dated 22 December 2004 Regarding Newly Listed Plants

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

On 14 February 2002, APHIS published an interim rule in the Federal Register for *Phytophthora ramorum* (7 CFR 301.92). This rule restricts the movement of certain restricted and regulated articles to prevent the artificial spread interstate of this disease-causing organism from areas where the disease is established. We also issued an Emergency Federal Order dated 21 December 2004 to regulate certain nurseries and plants to prevent the spread of the pathogen through nursery plants. We have now learned that certain additional plants require regulating in order to control the artificial spread of this disease. The purpose of this SPRO is to provide notification that APHIS is listing ten new plants and establishing an interim policy for incorporating these into the Federal Order.

We received information from the Department of Environment, Forestry, and Rural Affairs (DEFRA) of the United Kingdom that they had officially identified five new plants associated with *P. ramorum*. These are: *Hamamelis mollis* – Hamamelidaceae (Chinese witch-hazel), *Magnolia stellata* – Magnoliaceae (star magnolia), *Magnolia x loebneri* – Magnoliaceae (Loebner magnolia), *Magnolia x soulangeana* – Magnoliaceae (saucer or Japanese magnolia), and *Acer pseudoplatanus* – Aceraceae (Planetree maple).

We received information from the Plant Protection Service of the Netherlands that they had officially identified one new plant in their nursery survey associated with *P. ramorum*. This is: *Taxus media* –Taxaceae (Yew).

A California researcher has alerted us that two plants found established in a park in the infested area of California demonstrated symptoms and has been determined to be infected with *P. ramorum*. These two plants are: *Adiantum californica* – Polypodiaceae (California maidenhair fern) and *Calycanthus occidentalis* – Calycanthaceae (spicebush).

Therefore, these plants are now listed in the APHIS List of Hosts and Plants Associated with *Phytophthora ramorum*. Effective immediately the following are associated regulated articles which will be listed in 7 CFR 301.92 and in PPQ orders restricting the movement of nursery stock to prevent the spread of *P. ramorum*:

- *Acer pseudoplatanus* - Aceraceae (Planetree maple)

- Medium sized tree native to Europe and western Asia
 - Bole canker
- *Adiantum jordanii* – Polypodiaceae (California maidenhair fern)
 - Perennial fern native to US West coast
 - Leaf blight
- *Calycanthus occidentalis* – Calycanthaceae (spicebush)
 - Deciduous shrub native to western coastal states
 - Leaf blight and dieback
- *Hamamelis mollis* – Hamamelidaceae (Chinese witch-hazel)
 - Small tree from China;
 - Koch's postulates not completed
 - Leaf blight and dieback
- *Magnolia stellata* – Magnoliaceae (star magnolia)
 - Small tree from Japan
 - Koch's postulates pending
 - Leaf blight
- *Magnolia x loebneri* – Magnoliaceae (Loebner magnolia)
 - Ornamental tree , a hybrid from a cross between *M. kobus* and *M. stellata*
 - Koch's postulates pending
 - Leaf blight
- *Magnolia x soulangeana* – Magnoliaceae (saucer or Japanese magnolia)
 - Shrubby hybrid, the parents of this hybrid are *M. heptapeta* and *M. liliiflora* which are both native to Japan
 - Koch's postulates pending
 - Leaf blight and dieback
- *Taxus media* – Taxaceae (Yew)
 - Evergreen shrub, the parents of this hybrid are *Taxus baccata* and *T. cuspidata*
 - Basal stem canker

In addition, two new plants have been identified as new hosts for which Koch's postulates have been completed. We received information from the Department of Environment, Forestry, and Rural Affairs (DEFRA) of the United Kingdom that they have officially identified two new plants infected with *P. ramorum* and completed Koch's postulates. These are: *Griselinia littoralis* – Cornaceae (Griselinia), and *Parrotia persica* – Hamamelidaceae (Persian Parrotia or iron tree). **Therefore, these plants are now listed in the APHIS List of Hosts and Plants Associated with *Phytophthora ramorum* and effective immediately are regulated articles which will be listed in 7 CFR 301.92 and in PPQ orders restricting the movement of nursery stock to prevent the spread of *P. ramorum*:**

- *Griselinia littoralis* – Cornaceae (Griselinia)
 - Hardy privet-like hedge
 - Leaf blight and dieback.
- *Parrotia persica* – Hamamelidaceae (Persian Parrotia or iron tree)
 - Ornamental tree from Russia
 - Leaf blight

As an interim measure, these plants are added to those under regulation as per PPQ Emergency Federal Order (Order) dated 21 December 2004 in effect in the States of Washington, Oregon and California. Those nurseries operating under a compliance agreement may continue to ship Hosts and Associated Plants including the newly listed plants. Those nurseries that previously have been identified as nurseries shipping interstate and not containing Host and Associated Plants but which have been inspected and allowed to ship under the Order must immediately cease shipments of the above listed plants. These nurseries may continue to ship plants not listed above (and not listed in the APHIS List of Plants and Associated Plants). If the above listed plants are present in those nurseries, those nurseries must be inspected, sampled and tested without undue delay and placed under a Compliance Agreement. When no evidence of *P. ramorum* is found in these nurseries, they may ship all plants as permitted under the Compliance Agreement. PPQ will work to quickly finalize this policy and procedure.

In addition, though already included in the Federal Order, certain plants have changed status on the APHIS List of Hosts and Plants Associated with *Phytophthora ramorum*. As scientists complete and document Koch's postulates and APHIS can review those reports, they can be moved from the "Plants Associated with *P. ramorum*" to the "proven host" list. Effective immediately the following are regulated articles which will be listed in 7 CFR 301.92. Those plants that are now proven hosts and the reported parts affected are:

- | | |
|-----------------------------|----------------------|
| • <i>Castanea sativa</i> | leaves and shoots |
| • <i>Fraxinus excelsior</i> | leaves |
| • <i>Quercus falcata</i> | bole (bark and wood) |
| • <i>Quercus ilex</i> | leaves and sprouts |
| • <i>Syringa vulgaris</i> | leaves |
| • <i>Taxus baccata</i> | buds and twigs |

Finally, we have cleaned up some redundancies in the APHIS List and generalized some overly specific names which are reflected in the latest version of the APHIS List.

This action is authorized under the Plant Protection Act, as amended, Section 412(a), which authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article, if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

This action is also authorized by 7 CFR 301.92-2(b)(2) which designates as restricted articles any other product or article that an inspector determines to present a risk of spreading *P.*

ramorum. This designation requires the inspector to notify the person in possession of the product or article that it is an associated article.

In accordance with the provisions of the Administrative Procedure Act, this action will be published as a regulatory update in the Federal Register for public comment.

A handwritten signature in dark ink, appearing to read "Richard L. Dunkle", is shown on a light-colored, slightly textured background.

Richard L. Dunkle
Deputy Administrator
Plant Protection and Quarantine